

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 41552
	:	
Hood, Leroy, et al.	:	Confirmation Number: 2563
	:	
Application No.: 10/062,299	:	Tech Center Art Unit: 1631
	:	
Filed: January 31, 2002	:	Examiner: Smith, Carolyn L.
	:	
For: GENE DISCOVERY FOR THE SYSTEM ASSIGNMENT OF GENE FUNCTION	:	

**NOTICE OF APPEAL  
FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically-transmitted to the  
United States Patent and Trademark Office on September 22, 2008.  
/Carrie Hines/

Carrie Hines

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated March 20, 2008 of the  
Primary Examiner finally rejecting claims 22-35.

Appeal Fee: \$255.00

☒ Charge to Deposit Account No. 502624.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.  
Please charge any shortage in fees due in connection with the filing of this paper, including extension of  
time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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**Date: September 22, 2008**

**Please recognize our Customer No. 41552 as  
our correspondence address.**